REMARKS

This amendment is in response to the Office Action, dated August 22, 2006, ("Office Action"), in light of the Interview on October 12, 2006, ("Interview") with Examiner Anderson and Supervisory Examiner Marschel, and in light of the Advisory Action dated November 21, 2006 ("Advisory Action"). In the Office Action, Examiner indicated that claims 4-7, 15-18, 25 and 28 were objected to but would be allowed if rewritten in independent form; and rejected claims 1-9, 11-20, 22-28 and 57-62.

During the Interview, Examiners Anderson and Marschel indicated that while claims with a dosage requirement of "more than 80 mg" will overcome the prior art of record, the dosage requirement is not supported by the specification. Although Applicant in no way concedes that this is the case, Examiners found that if those claims have 180 mg as the minimum dosage requirement, they are supported by the specification and also overcome the prior art of record. Examiners further agreed that claims with a dosage requirement of 180 mg to 300 mg are supported by the specification. Applicant thanks Examiners for their assistance in addressing these issues.

In the Advisory Action, Examiner stated that the previously submitted Response under 37 C.F.R. §116 on October 13, 2006, was not entered because the amendments allegedly raise the issue of new matter. Examiner indicated that the recitation of claims 1, 12, 23, 26, 29, 32, 57 and 60 that the claimed compounds are administered in an effective amount of about 180 mg or more per day was not supported by the specification. Examiner stated that a dosage range of 180 to 300 mg per day is supported by the specification. While Applicant is not of the same opinion as Examiner on whether the recitation by claims 1, 12, 23, 26, 29, 32, 57 and 60 for a dose of about 180 mg or more is supported by the specification, the presently submitted amendment amends claims 1, 12, 23, 26, 29, 32, 57 and 60 to include a dosage limitation of about 180 mg to about 300 mg per day.

As compared to the previously entered Amendment filed on July 12, 2006, claims 1, 12, 23, 26, 29, 32, 57, and 60 have been amended; previously withdrawn claims 10,

21, and 29-34 have been rejoined; claims 2-3, 13-14, 24, 27, 30, and 33 have been canceled (claims 35-56 were previously canceled); and new claims 63-88 have been added. Following entry of the present amendment, claims 1, 4-12, 15-23, 25-26, 28-29, 31-32, 34, 57-88 are pending. No new matter has been added. It is respectfully submitted that the application is in condition for allowance. Applicant reserves the right to pursue other aspects of the present invention in later filed applications.

Claims 1, 12, 23, 26, 29, 32, 57 and 60 were amended to recite that "the compound is administered in an effective amount of about 180 mg to about 300 mg per day." Support for this amendment may be found throughout the Specification; for example, pages 8-9.

Claims 10, 21 and 29-34 (having previously been withdrawn) encompassing the species arzoxifene were rejoined.

New dependent claims 63, 65, 67, 69, 71, and 72 were added to recite that the compound is administered in an effective amount of "about 180 mg per day." Support for this amendment may be found throughout the Specification; for example, pages 8-9.

New dependent claims 64, 66, 68, and 70 were added to recite that "the estrogen lowering drug is administered in an amount effective to lower the serum level of estradiol in the mammal to an amount no greater than about 30 pg/ml." Support for this amendment may be found throughout the Specification; for example, pages 8-9.

New independent claims 73, 75, 77, 79, 81, 83, 85, and 87 are similar to claims 1, 12, 23, 26, 29, 32, 57, and 60; however, rather than reciting a dosage limitation, claims 73, 75, 77, 79, 81, 83, 85, and 87 recite an additional step of "administering to the mammal an estrogen lowering drug in an amount effective to lower the serum level of estradiol in the mammal." Support for this amendment may be found throughout the Specification; for example, pages 8-9.

New dependent claims 74, 76, 78, 80 82, 84, 86 and 88 further recite that effective amount is to "lower the serum level of estradiol in the mammal to an amount no greater than about 30 pg/ml." Support for this amendment may be found throughout the Specification; for example, pages 8-9.

Applicant respectfully submits that Claims 1, 4-9, 11, 12, 15-20, 22, 23, 25, 26, 28, 57-66, 71-80, and 85-88 are each allowable, of which claims 1, 12, 57, 60, 73, 75, 85, and 87 are generic and encompass species claimed by claims 10, 21, 29, 31-32, 34, 67-70 and 81-84. Thus, claims 10, 21, 29, 31-32, 34, 67-70 and 81-84 encompassing the species arzoxifene are also allowable.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (213) 633-6800.

Respectfully submitted,
David B. AGUS
DAVIS WRIGHT TREMAINE LLP

By _____
Linda B. Truong
Registration No. 56,461

By _____
Seth D. Levy
Registration No. 44,689

Attachment:
Petition for a one-month Extension of time

865 South Figueroa Street, Suite 2400
Los Angeles, CA 90017-2566
Phone: (213) 633-6800
Facsimile: (213) 633-6899